REMARKS

Claims 1, 4, 6-8, and 12-24 are currently pending, wherein claims 1, 8, 15, and 16 have been amended, claims 2, 3, 5, and 9-11 have been canceled, new claims 23 and 24 have been added, and claims 17-21 have been withdrawn. Favorable reconsideration is respectfully requested in view of the remarks presented herein below.

In paragraph 2 of the final Office action ("Action"), the Examiner rejects claims 1, 7, 8, 14-16, and 22 as being unpatentable over U.S. Patent Application Publication No. 2004/0041924 to White et al. ("White") in view of U.S. Patent No. 6,765,686 to Maruoka ("Maruoka"). Applicant respectfully traverses this rejection.

In order to support a rejection under 35 U.S.C. § 103, the Examiner must establish a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness three criteria must be met. First, there must be some motivation to combine the cited references. Second, there must be a reasonable expectation of success. Finally, the combination must teach each and every claimed element. In the present case, claims 1, 7, 8, 14-16, and 22 are patentable over the combination of White and Maruoka because the combination fails to disclose each and every claimed element as discussed below.

Independent claim 1 defines an image correction apparatus. The apparatus includes, *inter alia*, an image acquisition section that acquires image data representing an image; a correction section that detects a particular eye-related defect in the image represented by the image data acquired by the image acquisition section and corrects the detected defect; and an image display section that displays the number of positions at which the defect has been detected by the correction section, together with an image including a position. In addition, the correction section detects the defect in the image and prioritizes the positions at which the defect has been detected based on a predetermined criteria and the predetermined criteria is determined in such a way that the position closer to a center of the image is given a higher priority and when displaying the image, the image display section displays in preference the position to which a higher priority has been given by the correction section.

White discloses an apparatus and method for processing digital images having eye color defects. The method of white includes processing the image to automatically detect one or more

candidate positions of eye color defects; automatically applying an eye color defect algorithm of the image; and displaying at least a portion of the image including at least one of the corrected eye color defects. However, nowhere in White is there any disclosure or suggestion of detecting the defect in the image and prioritizes the positions at which the defect has been detected based on a predetermined criteria, the predetermined criteria being defined such that the position closer to a center of the image is given a higher priority and displaying in preference the position to which a higher priority has been given as claimed.

Maruoka discloses an image processing apparatus, that according to an embodiment, includes red-eye correction processing. According to Maruoka, once a red-eye zone (i.e., rectangular section in Figs. 23A-23D of Maruoka) has been designated by the user, the apparatus searches for the area within the zone that appears red. Once the red-eye area is determined, the center position of the red area and the center color are sensed based upon a red density distribution of pixels. However, nowhere in Maruoka is there any disclosure or suggestion of detecting the defect in the image and prioritizes the positions at which the defect has been detected based on a predetermined criteria, the predetermined criteria being defined such that the position closer to a center of the image is given a higher priority and displaying in preference the position to which a higher priority has been given as claimed.

Since White and Maruoka both fail to disclose or suggest detecting the defect in the image and prioritizes the positions at which the defect has been detected based on a predetermined criteria, the predetermined criteria being defined such that the position closer to a center of the image is given a higher priority and displaying in preference the position to which a higher priority has been given as claimed, the combination of these two references cannot possibly disclose or suggest said element. Therefore, even if one skilled in the art were motivated to combine White and Maruoka, the combination would still fail to render claim 1 unpatentable because the combination fails to disclose each and every claimed element.

Independent claims 8, 15, and 16 each define an image correction apparatus that includes, *inter alia,* detecting the defect in the image and prioritizes the positions at which the defect has been detected based on a predetermined criteria, the predetermined criteria being defined such that the position closer to a center of the image is given a higher priority and displaying in

preference the position to which a higher priority has been given. In addition, claims 7, 14, and 22, variously depend from independent claims 1 and 8. Therefore, claims 7, 8, 14-16, and 22 are patentable over the combination of White and Maruoka for at least those reasons presented above with respect to claim 1. Reconsideration and withdrawal of the rejection of claims 1, 7, 8, 14-16, and 22 under 35 U.S.C. § 103(a) is respectfully requested.

In paragraph 3 of the Action, the Examiner rejects claims 2 and 9 under 35 U.S.C. § 103(a) as being unpatentable over White in view of Maruoka, further in view of U.S. Patent Application Publication No. 2002/0051225 to Karasawa ("Karasawa"). Applicant respectfully traverses this rejection. Claims 2 and 9 have been canceled rendering this rejection moot.

In paragraph 4 of the Action, the Examiner rejects claims 3 and 10 under 35 U.S.C. § 103(a) as being unpatentable over White in view of Maruoka, further in view of U.S. Patent No. 5,245,421 to Robertson et al. ("Robertson"). Claims 3 and 10 have been canceled rendering this rejection moot.

In paragraph 5 of the Action, the Examiner rejects claims 4, 5, and 11 under 35 U.S.C. § 103(a) as being unpatentable over White in view of Maruoka, further in view of U.S. Patent No. 6,977,676 to Sato et al. ("Sato"). Claim 5 has been canceled rendering this rejection moot with regard thereto. Regarding claim 4, Applicant respectfully traverses this rejection.

Claim 4 depends from claim 1. Therefore, claim 4 is patentable over the combination of White and Maruoka for at least those reasons presented above with respect to claim 1. Sato discloses a camera control system. However, Sato fails to overcome the deficiencies of White and Maruoka.

Since White, Maruoka, and Sato each fail to disclose or suggest detecting the defect in the image and prioritizes the positions at which the defect has been detected based on a predetermined criteria, the predetermined criteria being defined such that the position closer to a center of the image is given a higher priority and displaying in preference the position to which a higher priority has been given as claimed, the combination of these references cannot possibly disclose or suggest said element. Therefore, even if one skilled in the art were motivated to combine White, Maruoka, and Sato, the combination would still fail to render claim 4

unpatentable because the combination fails to disclose each and every claimed element. Reconsideration and withdrawal of the rejection of claim 4 is respectfully requested.

In paragraph 6 of the Action, the Examiner rejects claim 12 under 35 U.S.C. § 103(a) as being unpatentable over White in view of Maruoka, further in view of U.S. Patent No. 7,065,249 to Fushiki et al. ("Fushiki"). Applicant respectfully traverses this rejection.

Claim 12 depends from claim 8. Therefore, claim 12 is patentable over the combination of White and Maruoka for at least those reasons presented above with respect to claim 8. Fushiki discloses a system and method for image editing. However, Fushiki fails to overcome the deficiencies of White and Maruoka.

Since White, Maruoka, and Fushiki each fail to disclose or suggest detecting the defect in the image and prioritizes the positions at which the defect has been detected based on a predetermined criteria, the predetermined criteria being defined such that the position closer to a center of the image is given a higher priority and displaying in preference the position to which a higher priority has been given as claimed, the combination of these references cannot possibly disclose or suggest said element. Therefore, even if one skilled in the art were motivated to combine White, Maruoka, and Fushiki, the combination would still fail to render claim 12 unpatentable because the combination fails to disclose each and every claimed element. Reconsideration and withdrawal of the rejection of claim 12 is respectfully requested.

In paragraph 7 of the Action, the Examiner rejects claim 13 under 35 U.S.C. § 103(a) as being unpatentable over White in view of Maruoka, further in view U.S. Patent Application Publication No. 2002/0109854 to Murray et al. ("Murray"). Applicant respectfully traverses this rejection.

Claim 13 depends from claim 8. Therefore, claim 13 is patentable over the combination of White and Maruoka for at least those reasons presented above with respect to claim 8. Murray discloses a method and apparatus for printing and/or displaying digital images. However, Murray fails to overcome the deficiencies of White and Maruoka.

Since White, Maruoka, and Murray each fail to disclose or suggest detecting the defect in the image and prioritizes the positions at which the defect has been detected based on a predetermined criteria, the predetermined criteria being defined such that the position closer to a

center of the image is given a higher priority and displaying in preference the position to which a higher priority has been given as claimed, the combination of these references cannot possibly disclose or suggest said element. Therefore, even if one skilled in the art were motivated to combine White, Maruoka, and Murray, the combination would still fail to render claim 13 unpatentable because the combination fails to disclose each and every claimed element. Reconsideration and withdrawal of the rejection of claim 13 is respectfully requested.

Finally, new claims 23 and 24 are patentable over the cited prior art for at least the reason that they depend from independent claim 1.

The application is in condition for allowance. Notice of same is earnestly solicited. Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Penny Caudle Reg. No. 46,607 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: June 9, 2009

Respectfully submitted,

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